

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**U.S. BANK N.A., AS TRUSTEE FOR THE
REGISTERED HOLDERS OF MASTR
ASSET BACKED SECURITIES TRUST,
2006-AM1, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2006-AM1**

Plaintiff,

v.

**VENISSA FORD A/K/A VENISSA
MOSLEY, JASON MOSLEY, QUINTEN
TYLER, CHERYL AHAMBA, BERNAL
LINDSEY, BERMOINE LINDSEY, JR.,
DESTINY ROSS, JERMOINE LINDSEY,
ELAINE JACKSON A/K/A ELAINE
JACKSON LINDSEY, AS NEXT-
FRIEND OF A.L., A MINOR, ADRAIN
LINDSEY, MARCUS LINDSEY, AND
DIANA LINDSEY**

Defendants.

Civil Action No. 4:22-cv-3499

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

COMES NOW, U.S. Bank N.A., As Trustee for the Registered Holders of MASTR Asset Backed Securities Trust, 2006-AM1, Mortgage Pass-Through Certificates, Series 2006-AM1 (“U.S. Bank” or “Plaintiff”), and files this *Notice of Voluntary Dismissal Without Prejudice* and respectfully shows unto the Court as follows:

I. BACKGROUND

1. Plaintiff filed its First Amended Complaint (the “Complaint”) against Defendants Venissa Ford a/k/a Venissa Mosley; Jason Mosley; Quentin Tyler; Cheryl Ahamba; Bernal Lindsey; Bermoine Lindsey; Jr.; Destiny Ross; Jermoine Lindsey; Elaine Jackson, as next-friend

of A.L., a minor; Adrain Lindsey; Marcus Lindsey; and Diana Lindsey (“Defendants”) on December 7, 2022. [ECF Doc. No. 6].

2. Defendant Venissa Ford a/k/a Venissa Mosley was served with a copy of Plaintiff’s First Amended Complaint and the summons via personal service on December 20, 2022. [ECF Doc. No. 10]. Her answer or other response to the Complaint was due on January 10, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

3. Defendant Jason Mosley was served with a copy of Plaintiff’s First Amended Complaint and the summons via personal service on February 1, 2023. [ECF Doc. No. 15]. His answer or other response to the Complaint was due on February 22, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

4. Defendant Quentin Tyler was served with a copy of Plaintiff’s First Amended Complaint and the summons via personal service February 1, 2023. [ECF Doc. No. 13]. His answer or other response to the Complaint was due on February 22, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

5. Defendant Cheryl Ahamba was served with a copy of Plaintiff’s First Amended Complaint and the summons via personal service March 1, 2023. [ECF Doc. No. 24]. Her answer or other response to the Complaint was due on March 22, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

6. Defendant Bernal Lindsey was served with a copy of Plaintiff’s First Amended Complaint and the summons via personal service February 7, 2023. [ECF Doc. No. 18]. His answer or other response to the Complaint was due on February 28, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

7. Defendant Bermoine Lindsey was served with a copy of Plaintiff’s First Amended Complaint and the summons via personal service September 8, 2023. [ECF Doc. No. 38]. His answer or other response to the Complaint was due on September 29, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

8. Defendant Destiny Ross was served with a copy of Plaintiff's First Amended Complaint and the summons via personal service February 9, 2023. [ECF Doc. No. 23]. Her answer or other response to the Complaint was due on March 1, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

9. Defendant Jermoine Lindsey was served with a copy of Plaintiff's First Amended Complaint and the summons via personal service February 2, 2023. [ECF Doc. No. 17]. His answer or other response to the Complaint was due on February 23, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

10. Defendant Elaine Jackson, as next-friend of A.L., a minor, was served with a copy of Plaintiff's First Amended Complaint and the summons via personal service February 2, 2023. [ECF Doc. No. 19]. Her answer or other response to the First Amended Complaint was due on February 23, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

11. Defendant Adrian Lindsey was served with a copy of Plaintiff's First Amended Complaint and the summons via personal service February 2, 2023. [ECF Doc. No. 20]. His answer or other response to the Complaint was due on February 23, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

12. Defendant Marcus Lindsey was served with a copy of Plaintiff's First Amended Complaint and the summons via personal service February 3, 2023. [ECF Doc. No. 16]. His answer or other response to the Complaint was due on February 26, 2023. Fed. R. Civ. P. 12(a)(1)(A)(i).

13. Defendant Diana Lindsey was served with a copy of Plaintiff's First Amended Complaint and the summons via personal service February 6, 2023. [ECF Doc. No. 14]. Her answer and response to the Complaint was filed on June 22, 2023.

14. On July 10, 2023, an order was signed in Fort Bend County, Texas, appointing Diana Lindsey as the independent administrator of the estate of Leal Lindsey, also known as Lela Mosley Lindsey, deceased.

II. NOTICE OF VOLUNTARY DISMISSAL

15. Plaintiff no longer wishes to pursue its claims for foreclosure against Defendants Venissa Ford a/k/a Venissa Mosley, Jason Mosley, Quentin Tyler, Cheryl Ahamba, Bernal Lindsey, Bermoine Lindsey Jr., Destiny Ross, Jermoine Lindsey, Elaine Jackson, as next-friend of A.L., a minor, Adrain Lindsey, and Marcus Lindsey.

16. Accordingly, it files this Notice, pursuant to Rule 41 (a)(1)(A)(i) of the Federal Rules of Civil Procedure. Plaintiff files this Notice before said defendants served an answer or motion for summary judgment.

17. As such, Plaintiff voluntarily dismisses the claims it has asserted herein against said defendants without prejudice to the re-filing of the same.

18. This dismissal will finally dispose of all claims against Defendants Venissa Ford a/k/a Venissa Mosley, Jason Mosley, Quentin Tyler, Cheryl Ahamba, Bernal Lindsey, Bermoine Lindsey Jr., Destiny Ross, Jermoine Lindsey, Elaine Jackson, as next-friend of A.L., a minor, Adrain Lindsey, and Marcus Lindsey, and they will not be prejudiced by this voluntary dismissal.

19. This dismissal will not dispose of the Plaintiff's claims against Defendant Diana Lindsey. Plaintiff wishes to pursue its claims against Diana Lindsey as the independent administrator of the Estate of Leal Lindsey, also known as Lela Mosley Lindsey, deceased. Plaintiff will be filing a forthcoming Second Amended Complaint, pursuing its claims against her in her capacity as independent administrator of the Estate.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Plaintiff's claims against Venissa Ford a/k/a Venissa Mosley, Jason Mosley, Quentin Tyler, Cheryl Ahamba, Bernal Lindsey, Bermoine Lindsey Jr., Destiny Ross, Jermoine Lindsey, Elaine Jackson,

as next-friend of A.L., a minor, Adrain Lindsey, and Marcus Lindsey be dismissed without prejudice, that no prejudice attach to such dismissal, and that Plaintiff be awarded all other relief to which Plaintiff may be entitled.

Respectfully submitted,

By: /s/ John M. Gregory

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that on February 15, 2024, a copy of the above and foregoing document was served on the following Defendants in the manner described below:

Via E-Service

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/s/ John M. Gregory
JOHN M. GREGORY